

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

LEXINGTON INSURANCE COMPANY,

Plaintiff,

- against -

DAVID FORREST, T. BEAUCLERC ROGERS IV,
STANLEY MUNSON, MARTIN FINK, all individually,
and NEW BEGINNINGS ENTERPRISES LLC, a California
Limited Liability Company, and TARLO LYONS, a
partnership,

Defendants.

Civil Action No. 02-CV-4435
(Hon. Anita B. Brody)


**LEXINGTON'S ANSWER TO DEFENDANT MARTIN FINK'S
MOTION TO DISMISS, SEVER, OR STAY**

For the reasons set forth in the attached Memorandum of Law, Declaration and exhibits in opposition to defendant Martin Fink's motion to dismiss plaintiff's Second Amended and Supplemental Complaint, or, alternatively, to stay all proceedings as to Fink or, alternatively, to sever Fink as a defendant from the litigation, which Memorandum of Law, Declaration and exhibits are incorporated herein by reference, plaintiff Lexington Insurance Company opposes defendant Martin Fink's motion to dismiss plaintiff's Second Amended and Supplemental Complaint, or, alternatively, to stay all proceedings as to Fink or, alternatively, to sever Fink as a defendant from the litigation in its entirety.

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ORDER

AND NOW, this ____ day of _____, 2004, upon consideration of Defendant Martin Fink's Motion to Dismiss Plaintiff Lexington Insurance Company's Second Amended and Supplemental Complaint or, Alternatively, To Stay All Proceedings as to Fink or, Alternatively, To Sever Fink as a Defendant From the Litigation, and Plaintiff Lexington's Insurance Company's Opposition thereto, it is hereby ORDERED that said motion is DENIED in its entirety.

BY THE COURT:

ANITA B. BRODY
United States District Judge